SCHWARTZ SIMON
EDELSTEIN CELSO & ZITOMER LLC
By: Patrick D. Tobia, Esq.
44 Whippany Road, Suite 210
P.O. Box 2355
Morristown, New Jersey 07962
(973) 301-0001
Attorneys for Defendant, Shapiro & Diaz
n/k/a Shapiro & Perez, LLP

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW JERSEY

DAVID and MARIANNE RIVERA,

CIVIL ACTION NO. 09-00021 (JEI) (JS)

Plaintiffs,

VS.

WASHINGTON MUTUAL FSB, COUNTRYWIDE HOME LOANS and SHAPIRO & DIAZ, JOHN DOE SERVICERS 1-100 AND JOHN DOE LAW FIRMS 1-100 DEFENDANT SHAPIRO & DIAZ'S

NOTICE OF MOTION TO DISMISS THE

COMPLAINT

Defendants.

TO: Roger C. Mattson, Esq.
Lewis G. Adler, Esq.
26 Newton Avenue
Woodbury, New Jersey 08096
Attorneys for Plaintiffs

PLEASE TAKE NOTICE that on June 15, 2009, or as soon thereafter as counsel may be heard, Schwartz Simon Edelstein Celso & Zitomer, LLC, counsel for defendant Shapiro & Diaz, shall move before the Honorable Joseph E. Irenas, U.S.D.J., at the United States District Court for the District of New Jersey located at the Mitchell H. Cohen Building and U.S.

Courthouse, 4th and Cooper Streets, Camden, New Jersey, for an Order dismissing the complaint as against Shapiro & Diaz pursuant to Fed. R. Civ. P. 12(b)(6).

PLEASE TAKE FURTHER NOTICE that in support of Shapiro & Diaz's motion to dismiss, Shapiro & Diaz will rely upon the accompanying brief and Certification of Patrick D. Tobia. A proposed form of Order is submitted herewith.

PLEASE TAKE FURTHER NOTICE that oral argument is respectfully requested.

SCHWARTZ SIMON EDELSTEIN CELSO & ZITOMER, LLC

By:_\

Patrick D. Tobia

44 Whippany Road, Suite 210 P.O. Box 2355
Morristown, New Jersey 07962 (973) 301-0001 (phone) (973) 993-3152 (fax)
Attorneys for Defendant, Shapiro & Diaz

Dated: May 18, 2009